

REMARKS

Claims 1-85 are pending in the application. Claims 1-2, 16-31, 42-73 and 83-85 are canceled herein. Claims 3, 5, 7-8, 10, 32, 34-39, 74-75, 77-78 and 82 are amended herein.

Applicant thanks the Examiner for the indication of allowable subject matter. Accordingly, Applicant places this Application in condition for allowance by (1) rewriting the allowed claims to include the language from the base claim and any intervening claim, and (2) canceling the claims rejected under 35 USC §102(b), without prejudice to Applicant pursuing the claims in a continuation application.

As to the objection to claims 9 and 82, Applicant respectfully requests reconsideration and withdrawal of the objection as these claims do in fact further limit the subject matter of a previous claim. In particular, while claims 3-8 are directed to methods in which a persistent archive is tangibly embodied on a processor readable medium, claim 9 requires that the methods themselves be tangibly embodied on a processor readable medium. But a requirement that a method be tangibly embodied on a processor readable medium is not the same as a requirement that a persistent archive be so embodied. For example, a persistent archive could be tangibly embodied on a processor readable medium by, e.g. storing the same on such a medium, without the method being so embodied, e.g. by storing software instructions embodying the method on such a medium. The two are apples and oranges. Hence, since claim 9 requires that the claimed method be tangibly embodied on a processor readable medium, while claims 3-8 do not so require, claim 9 further limits the subject matter of claims 3-8. The same conclusion applies to claim 82 in relation to claims 74-78.

In view of the above, Applicant believes that claims 3-15, 32-41, and 74-82 are now allowable. Applicant therefore respectfully requests that the Examiner pass this application to issuance.

Applicants submit that this Replacement Response does not materially differ from the Response mailed September 15, 2004, and that no fees are due in relation to this Replacement Response. However, if any fees are in fact due, including a fee for extension of time under 37 CFR §1.136, the Commissioner is hereby authorized to charge the same to Howrey Deposit Account No. **08-3038**, referencing Howrey Dkt. No. **02737.0004.NPUS01**.

Respectfully submitted,

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